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Administration Report of the High Court for civil justice 1878

A. Govt. of Madras

S. Judicial / civil justice / Report / Madras / 1878

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ADMINISTRATION REPORT

OF THE

HIGH COURT

FOR 1878.

CIVIL JUSTICE.

In the High Court, Original Side, 516 Suits were instituted, of which 506 were Ordinary Civil Suits, 6 were Testamentary and Intestate Suits, 1 was a Civil and Maritime Suit and 3 were Matrimonial Suits. There were also filed during the year 146 Uncontested Petitions for Probate and Letters of Administration, 7 Petitions regarding the custody and guardianship of infants and lunatics, 11 claims to attached property and 140 Petitions (36 more than in 1877 and the same number as in 1876) for the benefit of the Act for the Relief of Insolvent Debtors. High Court, Original jurisdiction.

2. The number of Suits instituted is 45 less than that instituted in 1877. The decrease is probably due, to some extent, to the dulness of the trade in rice and other food-grains. The headings under which the decrease is chiefly remarkable are mostly those under which an increase was noticed in 1877, as will appear from the following figures:—

		1877.	1878.
Money due on contract	On written promise for sum certain	188	172
	On unwritten promise for sum certain ...	20	2
Damages for breaches of contract		42	9
Suits to settle partnership and other accounts		43	18
Other suits to declare or establish personal rights		17	0

There is also a considerable decrease in "Claims to inheritance," there being only 2 as against 19 under "The Hindu Law"; 1 as against 2 under "The Mahomedan Law"; and none as against 1 under "Other Law."

3. There is, however, a remarkable increase in Suits under the heading "Money due on contract for goods sold and delivered," 51 Suits having been filed as against 23. There has also been a slight increase in the number of Suits relating to immoveable property as will be seen from the following Table:—

	1877.	1878.
Suits relating to mortgage of immoveable property ...	89	94
Suits for partition of immoveable property	3	25
Other Suits for, or relating to, real property	45	51

4. Out of the 94 "Suits relating to mortgage of immoveable property," more than half are for sums above 1,000 Rupees. The number of Suits for sums below Rs. 1,000 is only 45, of which 20 are for sums more than 500 Rupees. Out of the remaining 49 suits, 25 are for sums above 1,000 Rupees, 12 for sums above 2,500 Rupees, 4 for sums above 5,000 Rupees, 4 for sums above 10,000 Rupees, 2 for sums above 20,000 Rupees, and 2 for sums above 30,000 Rupees.

5. Of the 47 Suits instituted under Chapter XXXIX of the Civil Procedure Code (Act X of 1877), none were for less than 500 Rupees, 2 were for sums below 1,000 Rupees, 21 for sums above 1,000 Rupees, 9 for sums above 2,500 Rupees, 10 for sums above 5,000 Rupees, 1 for 10,000 Rupees, 2 for sums above 15,000 Rupees, 1 for a sum exceeding 20,000 Rupees, and another for a sum exceeding 30,000 Rupees. Of the remaining (125) "Suits on written promise for sums certain," 22 were for sums

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not exceeding 1,000 Rupees, and of these, only 4 were for less than 500 Rupees. Of those for sums exceeding 1,000 Rupees, 61 were for sums below 2,500 Rupees, 20 for sums below 5,000 Rupees, 14 for sums below 10,000 Rupees, and 8 for sums above 10,000 Rupees.

6. The total number of Suits for sums not exceeding 1,000 Rupees, including those already mentioned, is 90, of which 6 are for sums not exceeding 500 Rupees; of those for more than a thousand Rupees, 169 are for sums not exceeding 2,500 Rupees, 72 for sums not exceeding 5,000 Rupees, 47 for sums not exceeding 10,000 Rupees, 38 for sums not exceeding 1 lac, and 1 for a sum exceeding 1 lac; and of the remaining 99, it has not been possible to estimate the money value.

7. 33 Petitions were filed for leave to sue *in formâ pauperis*, making with the one which stood over from 1877 a total of 34: of these, 10 were admitted and are included in the number of Suits abovementioned, ten were rejected and fourteen remained undisposed of at the end of the year.

8. Of the 627 Suits entered in Statement 8, B.—Judicial, as pending at the end of 1878, only 54 were ready for final disposal and not reached on that date.

9. The receipts from Court Fees during the year amount to Rs. 1,04,363 as against Rs. 97,116 in 1877. Of this sum, Rs. 32,275 were paid on account of Probate and Administration *ad valorem* duties and Rs. 1,894 were paid to the Accountant-General.

Lower Courts, Original jurisdiction

10. The following Statement shows in detail in what proportion the aggregate litigation instituted during the year was distributed among the several classes of Courts in the Provinces:—

	Ordinary Suits.	Per-centage.	Small Causes.	Per-centage.	Total.
Village Munsifs	44,272	38·67	...	...	44,272
Revenue Courts	4,401	3 85	...	...	4,401
District Munsifs	64,952	56·70	75,082	85·23	1,40,034
Subordinate Judges	639	·56	7,340	8·33	7,979
Small Cause Judges	47	·04	5,673	6 44	5,720
District Judges	199	·18	...	...	199
Total...	1,14,510	100 00	88,095	100·00	2,02,605
Compare 1877	1,09,556		80,173		1,89,729

It will be seen that the total number of Suits instituted during the year 1878 was 2,02,605, which, though shewing an increase of 12,876, that is, 6·79 per cent. on the number instituted in 1877, is still, as anticipated in that year, less than the average of the 7 previous years. Of this increase, 4,954 was in "Ordinary Suits" and 7,922 in "Small Causes." The increase has occurred in all classes of Courts except the District and Revenue Courts in which latter there was a considerable diminution. In the report for 1877 it was observed that the number of suits instituted in 1877 was considerably less than that instituted in 1876, and that the decrease had occurred in all classes of Courts but the Revenue Courts in which there was a slight increase in that year. In the year now under review, there is still a decrease as compared with 1876 (though diminished by nearly a half) in all Courts with the exception only of the Subordinate Judges, on whose files there

appears a slight increase. The accompanying figures shew how the number of Suits instituted in the Courts of the Presidency varied each year from 1870 to 1878 :—

	Number of Suits instituted.
1870...	1,82,486
1871	1,96,689
1872	1,99,217
1873...	2,07,916
1874...	2,15,537
1875	2,07,393
1876...	2,16,484
1877...	1,89,729
1878	2,02,605
Total ...	18,18,056
Average	2,01,954

11. The number of Suits instituted in Revenue Courts was 4,401 in 1878, that is, 2,169 less than in the preceding year. No reason is apparent for the large diminution in this class of suits. The figures for the previous five years are

1873	3,073
1874	5,320
1875	5,543
1876	6,272
1877	6,570

The Revenue Suits instituted in 1878 were distributed over the several Districts as follows :— Suits instituted in Revenue Courts.

Arcot, (North)	207
Do. (South)	186
Bellary	36
Canara, (South)	21
Chingleput	345
Coimbatore	107
Cuddapah	14
Ganjam	191
Godavery	246
Kistna	72
Kurnool	36
Madura	885
Nellore	36
Salem	168
Tanjore, (North)	15
Tanjore, (South)	662
Tinnevelly	289
Trichinopoly	318
Vizagapatam	567
Total ...	4,401

Attention has in a previous report (that of 1876) been called to the circumstance that the number of Revenue Suits instituted in the Telugu Districts (notably the Ceded Districts) other than the Godavery and Vizagapatam is very small.

Comparison of the Civil work of each District.

12. The following Statement shows the proportion in which the several Districts contributed to the Ordinary Civil work of the Presidency :—

	No. of appealable Suits instituted in Courts subordinate to the District Courts.	No. of Appeals preferred to District Courts.	No. of Appeals preferred to Sub-Judges and S. C. Judges.	Appeals to the High Court.	Second Appeals to the High Court.
Arcot (North)...	3,634	87	...	4	6
Do. (South)...	3,017	258	2	2	37
Bellary	2,767	169	3	3	19
Canara (South)	2,674	511	28	7	13
Chingleput	2,769	268	...	2	47
Coimbatore	3,294	147	...	..	14
Cuddapah	2,908	74	...	...	4
Ganjam	2,283	94	41	4	17
Do. (Agency)	285	4	...	...	.
Godavery...	4,041	503	153	5	44
Kistna	3,869	172	...	...	51
Kurnool	1,694	22	.	2	3
Madura	3,916	332	5	8	46
Malabar (North)	3,427	560	12	4	52
Do. (South)	7,672	782	2	10	88
Nellore	2,805	101	...	1	4
Nilgiris	82	12	...	4	1
Salem	3,950	189	3	2	35
Tanjore (North)	1,889	175	96	4	11
Do. (South)	3,222	474	39	18	101
Tinnevelly	3,382	302	100	14	76
Trichinopoly	2,734	247	...	11	20
Vizagapatam...	3,320	267	89	5	15
Do. (Agency)...	405	4	...	...	...
Total...	70,039	5,754	573	110	706

13. The proportion of Suits instituted, classified according to the nature of the subject-matter, is shewn in the following table :—

		Number.	Per-centage.
On Contract	On written promise	79,666	39·32
	On unwritten promise	44,624	22·02
	Other Suits	25,419	12·55
For rent		8,404	4·15
For recovery of personal property...		5,040	2·49
Relating to real property		30,030	14·82
Revenue Suits...		5,334	2·63
Other Suits...		4,088	2·02
	Total ...	2,02,605	100·00

Comparing these figures with those of 1877, it will appear that there has been an increase of 11,106 "Suits on contract," 4,243 "Suits relating to real pro-

perty," and 58 other Suits, as against a decrease of 95 "Suits for rent," 406 "Suits for recovery of personal property" and 2,030 "Revenue Suits." The ratio of Suits on contract to all other classes of Suits varies however inappreciably, viz., 1877—73·67 *to* 26·93; 1878—73·89 *to* 26·11.

14. The number of Suits disposed of, classified according to the valuation of the subject-matter, is set forth below :— Disposal of Suits.

	Number.	Per-centage.
Below Rupees 100	1,64,908	81·53
Do. do. 500	30,884	15·28
Do. do. 1,000	3,352	1 66
Do. do. 10,000	2,127	1·05
Above Rupees 10,000	111	·05
Not capable of being valued	877	·43
Total ...	2,02,259	100 00

The value of the property in litigation disposed of in 1878 aggregates to £2,388,000 as compared with £2,576,000 in 1877 and £2,126,000 in 1876.

15. The accompanying table shows the number of Suits for disposal and the number disposed of in the several classes of Courts during the year :—

	Suits for disposal.		Suits disposed of.		Per-centage of Suits disposed of to Suits for disposal.	
	Ordinary.	Small Causes.	Ordinary.	Small Causes	Ordinary.	Small Causes.
Village Munsifs	52,467	...	45,216	...	86·18	...
Revenue Courts	7,251	...	5,520	...	76·13	...
District Munsifs	85,564	80,407	64,564	73,108	75·46	90·92
Subordinate Judges	1,033	8,449	727	7,329	70·38	86·74
Small Cause Judges	94	6,303	64	5,522	68·09	87·60
District Judges	448	...	209	...	46·65	...
Total... ...	1,46,857	95,159	1,16,300	85,959	Average. 72·38	90·33

The ratio in the disposal of ordinary suits by District Judges contrasts unfavorably with that of the previous year, *viz.*, 46 per cent as against 53; the ratio in 1878 is, however, higher than that of the years preceding 1877.

16. The number of Suits on the files for disposal was 2,42,016; the figures for the preceding six years were as follows :—

1872	2,64,305
1873	2,68,403
1874	2,69,712
1875	2,58,483
1876	2,67,630
1877	2,35,495

17. As to the number of Suits actually disposed of, it is found that 2,02,259* suits were disposed of in 1878, while the corresponding figures of the six preceding years were as follows :—

1872	2,07,189
1873	2,18,529
1874	2,20,519
1875	2,10,345
1876	2,22,465
1877	1,95,314

It will thus be seen that there has been a slight increase as compared with 1877 both as regards the quantity of work for disposal and the quantity disposed of. The year 1877 showed however a considerable falling-off in both respects from the return of previous years and this falling-off was attributed to the circumstance that the Civil Judiciary were very extensively employed during 1877 as Magistrates. The same cause operated no doubt to diminish the disposal of civil work during a part of the year now under review—the District Munsifs not having been relieved of their Magisterial duties until the 1st July 1878. This circumstance may be taken as accounting for the fact that the number of suits disposed of in 1878, though in excess of that of 1877, still falls considerably short of the numbers disposed of in the years 1872 to 1876.

Pendency of suits

18. The number of Suits pending on the files at the close of 1878 (excluding those in Village Munsifs' Courts and Revenue Courts) was 29,449 as against 25,155 of 1877 and 28,691 of 1876.

19. The following Statement showing the present state of old Suits as compared with the state of the files in previous years is satisfactory.

	Upwards of a year.	Upwards of four months.
1873.	3,012	8,639
1874.	2,178	8,103
1875.	1,047	6,614
1876	712	6,584
1877.	926	5,126
1878.	433	4,644

* This number almost corresponds with the number of suits actually instituted, viz., 2,02,605—see above, para 10 The average number of suits instituted being, as shown above, 2,01,954, or say, 2,02,000, it follows that the existing tribunals are about equal to disposing of the average number of suits instituted As, however, a suit cannot be heard as soon as filed, there being always some interval necessary for preparation of the record, summoning of witnesses, &c, there must be always a certain amount of apparent arrears.

20. The following analysis will show the manner in which the Courts disposed of the work done by them :—

		Number.	Per-centage.	
Uncontested	Dismissed for default or compromised	85,388	60·80	69·44
	Decreed for Plaintiff	50,796	36·16	
	Do. for Defendant	4,270	3·04	
	Total ...	1,40,454	100·00	
Contested	Decreed for Plaintiff	47,042	76·11	30·56
	Do. for Defendant	14,763	23·89	
	Total ..	61,805	100·00—100·00	

As compared with 1877, the uncontested cases have increased by nearly 3 per cent. In the last few preceding years, the ratio of uncontested to contested suits has been as follows :—

1877	66·67
1876	68 95
1875	67·61
1874	69·00

21. In the High Court, 110 Appeals from Decrees and 706 Appeals from Appellate Decrees were filed as against 134 Appeals and 800 Second Appeals filed in 1877. High Court, Appellate Jurisdiction.

22. The total number of Appeals on the file for disposal was 156 Appeals and 881 Second Appeals. Of these 90 Appeals from Decrees and 663 Appeals from Appellate Decrees were disposed of in the following manner :—

		Appeals.	Appeals from Appellate Decrees.
Dismissed for default, withdrawn, or compromised		1	14
Uncontested.	Confirmed	2	211
	Modified or reversed	...	13
Contested	Confirmed	62	314
	Modified or reversed	25	111
	Total	90	663

At the close of 1878, 66 Appeals and 218 Appeals from Appellate Decrees were pending. Of these, 36 Appeals and 108 Appeals from Appellate Decrees were ready for hearing on the 31st December 1878.

23. 25 Appeals from a single Judge sitting on the Original Side of the Court were disposed of during the year as follows :—

Appeal	Dismissed for default	1
	Withdrawn	1
Decree	Confirmed	22
	Reversed	1
	Modified	0
	Total ...	25

Miscellaneous work.

24. Under the head of Miscellaneous Work (Civil), the High Court disposed of
76 Appeals from Orders of the Subordinate Courts,
81 Applications for Review of Judgments,
63 Applications for admission of Appeals presented out of time,
12 Applications for leave to appeal *in formâ pauperis*,
13 Applications for security from Appellants for Respondents' costs,
17 Applications for stay of execution of Decrees under Appeals,
6 Applications for Appointment of Receivers,
9 Applications for Transfer of Suits,
47 Applications for admitting on record the heirs and legal representatives of deceased parties,
23 References under Section 617 of the Code of Civil Procedure,
1 Special case referred by the Presidency Small Cause Court, and
2 Matrimonial Cases referred under Section 17 of the Indian Divorce Act, IV of 1869.

Lower Courts, Appellate jurisdiction.

25. In the Courts subordinate to the High Court, the number of Appeals preferred was 6,327, which is not only less than the number filed in 1877, but is the lowest number filed since the year 1871, as will be seen from the following Statement :—

	Number of Appeals instituted.
1871	5981.
1872	7003.
1873	6506.
1874	6901.
1875	6872.
1876	7364.
1877	6734.
1878	6327.

The proportion of Appeals to appealable Suits from all the Districts has been reduced from 10·5 to 9·2.

26. The accompanying table shews the manner in which these Appeals were disposed of :—

		Number.	Per-centage.
Dismissed for default, withdrawn, or compromised		607	9·12
Decree of the Lower Court	Confirmed	3,810	57·22
	Modified	711	10·68
	Reversed	1,530	22·98
	Total ...	6,658	100·00

27. The following Statement shews the quantity of Appellate work done by each class of Court.

	Number.	Per-centage.
Subordinate Judges	2,369	35·58
Judges of Small Cause Courts as Subordinate Judges ...	375	5·63
District Judges	3,914	58·79
Total	6,658	100·00

The number of Appeals pending at the end of 1878 was 3,140. Of these, 318 only were more than 12 months old. The following figures shew the proportion of Appeals pending at the end of each year since 1875 to the number of Appeals on the files for disposal (excluding those transferred) during the year :—

Year.	No. of Appeals on the files for disposal excluding those transferred.	Pending at the end of the year.	Per-centage.
1875	11,971	4,844	40·46
1876	11,717	4,381	37·39
1877	11,114	3,472	31·24
1878	9,799	3,140	32·05

CRIMINAL JUSTICE.

28. The following Statement shews the number of persons dealt with by the Criminal Courts in each District in the Presidency :— Comparison of the Criminal work of each District.

	No. of persons convicted by the Sub-Magistracy.	No. of persons who appealed to the District or Divisional Magistrates.	No. of persons convicted by the Divisional & District Magistrates.	No. of persons who appealed to the Sessions Courts.	No. of persons convicted by the Sessions Courts.	No. of persons who appealed to the High Court.
Arcot (North)...	5,832	201	1,002	67	234	179
Arcot (South)...	6,259	331	430	44	264	356
Bellary	10,904	137	1,127	27	471	104
Canara (South)	1,829	244	110	15	79	11
Chingleput	5,232	125	1,546	14	133	13
Coimbatore	2,829	250	171	39	185	35
Cuddapah...	3,863	156	304	26	57	17
Ganjam	6,158	183	442	16	81	20
Do. (Agency)	383	1	75	...	7	...
Godavery...	4,799	379	388	39	61	37
Kistna	5,930	313	324	27	76	51
Kurnool	4,229	69	539	15	87	1
Madura	7,967	418	1,137	130	256	192
Malabar (North)	1,833	216	383	21	68	41
Malabar (South)	5,974	370	501	51	156	22
Nellore	5,579	174	369	14	180	10
Nilgiris	253	...	1,325	8	13	3
Salem	7,471	178	748	23	257	29
Tanjore (North)	2,040	136	53	2	29	95
Do. (South)	5,028	316	445	13	178	15
Tinnevelly	5,419	675	180	21	156	56
Trichinopoly	7,105	183	638	50	143	37
Vizagapatam	8,747	164	173	10	57	37
Do. (Agency)	1,560	10	45	...	23	4
	1,17,223	5,229	12,455	672	3,251	1,365

The number of persons convicted by the Subordinate and District or Divisional Magistracy is less by 35,490 and 7,706 respectively than the number convicted in 1877.

The number of persons convicted by the Sessions Courts in 1878 was 3,251 as against 7,506 in 1877.

These figures evidence a diminution of crime, owing doubtless to the abatement of the famine and may be regarded with satisfaction.

The ratio of Appeals to convictions in all classes of Courts during the last four years is shewn in the following Statement :—

	Per-centage in			
	1875.	1876.	1877.	1878.
From Sub-Magistrates to the Superior Magistrates ...	7·66	7·66	3·83	4·46
From the Superior Magistrates to the Sessions Courts. ...	8·30	8·36	6·08	5·39
From the Sessions Courts to the High Court	48·48	27·78	25·77	41·93

It is deserving of observation that, notwithstanding that the number of persons that appealed to the High Court in 1878 is less than that in 1877 by 588, *i. e*, 30·1 per cent on the number in 1877, the per-centage of Appeals to convictions in 1877 stands to that in 1878 in the relation of 26 to 42 (25·77 to 41·93). The explanation of course is that the number of persons convicted by the Sessions Courts in 1877 was, as already shown, more than double the number convicted in 1878.

High Court, Appellate jurisdiction.

29. 1,450 Appeals from persons convicted by Sessions Courts, as compared with 1,992 in 1877, were on the file of the High Court, for disposal. Of this number, 1,330 were disposed of with the following result :—

	Rejected under Section 278 of the Code of Criminal Procedure ...	961
On perusal of Records.	Sentence Confirmed	257
	" Enhanced	4
	" Modified	55
	" Reversed	53
	Total	1,330

High Court as a Court of Revision.

30. As a Court of Reference and Revision the High Court disposed of

(1).—References for confirmation of sentences of death passed on 105 persons with the following result :—

Sentence	Confirmed	68
	Reversed	10
	Commuted to life-transportation	21
	Altered to a sentence of 10 years' rigorous imprisonment	1
Conviction and sentence annulled and re-trial ordered	... ...	2
Died during the pendency of reference .	... ...	3
		105

(2).—Two References under Section 263 of the Criminal Procedure Code. The verdict of the Jury was in both cases sustained.

(3).—Three Appeals by the Government Pleader on behalf of Government against judgments of acquittal. The appeals were rejected.

(4).—Twenty-two Applications under Section 64 of the Criminal Procedure Code for transfer of trials. Of these, transfers were ordered in 21, and in one the application was refused.

(5).—Applications under Sections 294 and 297 of the Criminal Procedure Code from 99 persons. In the case of twenty-one persons (six Applications), the High Court exercised their power of revision.

(6.)—References under Section 296 of the Criminal Procedure Code affecting 354 persons with the following result:—

Conviction or Order of the Lower Court quashed ...	172
Sentence or Order modified	98
Interference declined	84
Total ...	354

(7).—The High Court disposed of Calendars relating to 2,222 Sessions trials and to 6,456 trials by 1st Class Magistrates—also Appeal Statements relating to 442 Appeals heard by Sessions Courts and Appeal Statements relating to 2,221 Appeals heard by 1st Class Magistrates.*

Lower Courts, Appellate jurisdiction.

31. In the Courts subordinate to the High Court, Appeals were preferred by 5,901, a number less by 791 than even the number in 1877 which was noticed as considerably falling below the average of the five previous years.

32. Appeals from 6,257 persons were on the files for disposal. Of these, Appeals from 5,817 persons were disposed of as follows:—

		Number.	Per-centage
Appeals rejected		845	14·53
On perusal of Records.	Sentence confirmed	2,515	43·24
	" modified	441	7·63
	" reversed	1,797	30·90
Otherwise disposed of		216	3·70
	Total ..	5,817	100·00

High Court, Original jurisdiction.

33. In the High Court, 137 persons as against 87 in 1877 were committed for trial. Of these, 94 were convicted and 30 acquitted after trial, and 15 were discharged without trial or convicted on plea of guilty.

Use of Jurors and Assessors.

34. In the six Districts in which the system of trial by jury has been partially introduced, 791 persons were tried by jury. Of these, 312 were convicted, 429 were acquitted and 50 were discharged without trial or convicted on plea of guilty. In the case of two persons, the Judge having differed from the Jury, reference was made to the High Court under the provisions of Section 263 of the Criminal Procedure Code; the result has been stated above. In trials before the Sessions Courts with the aid of Assessors, the Judges agreed with the Assessors in the case of 3,678 persons and differed from them in the case of 624 persons; in the case of 220 persons, the Judges agreed with one Assessor only: 800 persons were discharged without trial or convicted on plea of guilty.

Whipping Act.

35. The reports on the working of the Whipping Act continue to be satisfactory.

GENERAL.

Judges of the High Court.

36. Mr. Justice Innes was absent on privilege leave under medical certificate from the 5th January 1878 to the 28th February 1878.

In March 1878 (letter 27th March 1878) the Puisne Judges of the Court again urged upon Government the expediency of appointing a fifth Judge to fill up the vacancy occasioned by the retirement of Mr. Justice Holloway in January 1877. The opinion of the Chief Justice (Sir Walter Morgan) on the measure recommended by his colleagues was communicated to Government in a letter dated 5th April 1878.

* Information as this portion of the High Court's work has not been given in previous reports.

In their Proceedings, dated 29th March 1878, Government announced that they had recommended to the Secretary of State the appointment temporarily of a fifth Judge.

On the 12th of July 1878, Mr. Tiruvarur Muttusami Aiyar, C. I. E., was appointed to act as a Judge to supply the vacancy which had happened.

Mr. Justice Muttusami Aiyar, C. I. E., entered upon his duties as a Judge of the High Court on the 17th July 1878.

On the 5th August 1878, Mr. Justice Kindersley was compelled by ill-health to take leave for 15 months, and Mr. Louis Forbes, District Judge of Bellary, was appointed to act in the vacancy. Mr. Justice Forbes took his seat on the 10th August 1878.

Sir Walter Morgan was absent on privilege leave from the 5th October 1878 to the 9th November 1878, and Mr. Justice Innes officiated as Chief Justice during Sir Walter Morgan's absence.

Rules for the Original Side under Acts I and X of 1877.

37. A body of rules framed in conformity with the provisions of the Specific Relief Act and the new Code of Civil Procedure applicable to the Original Side of the High Court was promulgated in June 1878 and came into force on the 1st August 1878.

Practitioners of the High Court

38. Three Advocates, nine Vakils and four Attorneys were newly enrolled in the High Court in the course of the year.

Re-establishment of the Dt Court of N. Tanjore.

39. The District Court of North Tanjore which was abolished or held in abeyance for a period of two years as a tentative measure (G. O., 30th May 1876, No. 1,067) was re-established in June 1878 (G. O., 1st April 1878, No. 685) and changes in the territorial jurisdictions of the Munsifs and Subordinate Judges in both North and South Tanjore were effected to suit the re-established jurisdictions of the two District Courts.

Transfer of Dt Munsif's Court from Perambalore to Arealore.

40. On the 23rd of July 1878 the Court of the District Munsif of Perambalore, in the District of Trichinopoly, was transferred to the station of Arealore, and a re-arrangement of the jurisdictions of the District Munsifs in the District of Trichinopoly was effected so as to equalize the work coming before the several Munsifs of the District.

Jurisdictions of the Dt. Munsifs of Villupuram and Cuddalore.

41. In the District of South Arcot, some slight alterations on the territorial jurisdictions of the District Munsifs of Villupuram and Cuddalore were rendered necessary in consequence of a notification of Government transferring certain villages from one Revenue Taluq to another (Government Notifications, 19th June and 17th August 1878). The required changes were notified by the High Court on the 18th October 1878.

Small Cause jurisdiction of the Subordinate Judge of Bellary.

42. In November 1878 (G. O., 30th November 1878) Government at the instance of the High Court issued a notification under the provisions of Section 28 of Act III of 1873 restricting the local jurisdiction of the Subordinate Judge of Bellary in his capacity of a Judge (of a Court of Small Causes) to the local limits of the District Munsif of Bellary. The object of this measure was to remedy the inconvenience of suitors in Small Causes belonging to the more distant parts of the extensive District of Bellary having to resort to the head-quarter station for the prosecution of their claims instead of proceeding in the local District Munsif's Court.

A case of embezzlement of suitors' money.

43. In August 1878 a serious case of embezzlement of monies belonging to suitors and others by the Head Gumastah of the Perambalore Munsif's Court was brought to light; a great portion of the money was recovered. Steps have since been taken to prevent the recurrence of such frauds by directing District Munsifs to exercise a strict supervision over the execution and monetary departments of their offices.

44. The Magisterial powers conferred on Munsifs and Subordinate Judges to meet the exigencies of the famine (G. O., 1st May 1877), were withdrawn with effect from the 1st July 1878 (G. O., 13th June 1878).

Withdrawal of Magisterial powers of District Munsifs, &c

45. In their Order dated 30th July 1878, Government, in reviewing the Administration Report of the High Court for 1877, requested the High Court to ascertain and report the opinions of those Sessions Judges into whose Districts the system of trial by Jury of certain offences had not yet been introduced as to expediency of extending such a system of trial to their Districts. The opinions of the several Sessions Judges were called for and obtained in due course, but the further proceedings in connection with this measure do not belong to the year now under report.

The question of extending the system of trial by Jury

46. In February 1878, the High Court again urged upon the Government the expediency of introducing the Pleaders Mooktiars and Revenue Agents' Act (XX of 1865) into the Madras Presidency; and Government, deferring to the reiterated requests of the High Court on the subject, announced their intention of addressing the Government of India with a view to the necessary legislation (G. O., 6th February 1878, No. 260).

Act XX of 1865

47. In March 1878 (letter dated 27th March 1878) the High Court requested the Local Government to represent to the Government of India (Legislative Department) the expediency of amending certain provisions of the Whipping Act (VI of 1864).

Whipping Act.

The points on which legislation was suggested as being desirable were 1st to enact that the liability (under Section 3 of the Act) to whipping in case of a second conviction should attach in cases in which the second conviction was of the *same*, that is, *kindred* offence, and not in those cases only in which the second conviction was of the same, that is, identical and specific offence; 2nd, to enact, or to render free from ambiguity, that the liability to whipping as an additional punishment attached to the fact of the punishment for a previous offence having been (ineffectually) undergone and not merely to the fact of a previous conviction, possibly a conviction on the same day, having been recorded against the accused.

The Madras Government referred the suggestions of the High Court to the Government of India, but the latter Government in their Secretary's letter (Home Department, Judicial, dated 6th August 1878) stated that the Governor-General in Council did not think that sufficient grounds existed for proposing an amendment in the Whipping Act.

48. The only other matter of general importance to be noticed here is the Order of Government, dated 19th November 1878, No. 2,343, abolishing the Mofussil Courts of Small Causes and the Chicacole Sub-Court and sanctioning a new scale of establishments for the various grades of Courts subordinate to the High Court and the establishment of a new Munsif's Court at Vythery in the District of South Malabar. The scheme as recommended by the High Court—*vide* letters dated 10th December 1878 and 8th February 1878—was with the exception of the portion that related to the improvement of the condition of the District Munsifs, referred for the opinion of Mr. Justice Innes, certain District Judges, an Officiating Mofussil Small Cause Judge and a Subordinate Judge (G. O. 28th February 1878). After the receipt of these reports the Order of Government above alluded to was passed. The chief features of the scheme are as follows:

Abolition of Mofussil Small Cause Courts & Chicacole Sub-Court. Establishment of the Vythery Munsif's Court. Sanction of a new scale of establishments for Mofussil Courts

The number of persons employed in the Courts of District Munsifs has been left unaltered, while the monthly cost of the total establishment of each Court has been raised from Rs. 120 to Rs. 187. As regards Subordinate Judges' Courts, a uniform scale of establishments has been introduced. As regards the number of persons on their staff, the cost of the establishments of ten of them has been fixed at Rs. 400 per mensem each, while that of one of them, the then Sub-Court of Tuticorin (now Madura Additional Sub-Court) has been fixed at 325 Rupees per mensem. The Sub-Court of Cochin has been permitted to retain its original

establishment at a cost of Rupees 345½ per mensem. As regards District Courts, the Government sanctioned the gradations of Courts recommended by the High Court with the following modifications, *viz*, the office of Government Pleader wherever it existed was abolished, and some addition to the salary of the Ministerial Servants was granted. The number and the monthly cost of each class of District Court as sanctioned by Government in their Order under consideration were as follows :—

I	Class	6	685	Rs.
II	,,	6	673½	,,
III	,,	4	658½	,,
IV	,,	2	624	,,
V	,,	2	598	,,

The Court of the Judicial Commissioner of the Neilgherries was left untouched. So was also that of North Tanjore, which had not been revised at the time of the High Court's letter dated 10th December 1877.

No orders have been passed by Government regarding the proposal to improve the condition of some of the Munsifs.

The new arrangements were announced in the G. O., 19th November 1878, to come into effect on the 1st January 1879, but in a G. O., dated 24th December, Government at the instance of the High Court, deferred the abolition of the Small Cause Courts and of the Chicacole Sub-Court and the introduction of the changes resulting therefrom until the beginning of the next official year (1st April 1879).

Process Service Fees.

49. The Process Service Fund shows an increase again in the year under review :—

Year and months.	Receipts.			Expenditure.			Remarks.
	RS.	A.	P.	RS.	A.	P.	
1874, five months	3,54,510	1	11	2,66,140	13	6	+ 88,369-4-5.
1875, twelve months	7,38,256	0	6	6,43,638	10	0	+ 94,617-6-6.
1876, do.	7,62,840	4	11	6,50,316	11	9	+ 1,12,523-9-2
1877, do.	6,52,902	9	0	6,92,953	7	1	— 40,050-14-1.
1878, do.	7,22,981	10	2	6,50,621	11	9	+ 72,359-14-5.

The increase may no doubt be attributed to a revival of the prosperity of the community consequent on the abatement of the famine. It has not been ascertained whether the surplus accruing, since the scale of fees introduced in 1874, is sufficient to provide for the charge (12 per cent) of estimated receipts for pensions thrown on the fund in addition to the cost of the up-keep of establishments. In a letter dated 1st June 1876, the Government of India, Financial Department (embodied in Proceedings of the Madras Government, dated 22nd September 1876, No. 1,923), announced their intention of relieving the Judicial and Revenue Authorities of the duty of fixing the rate of process fees and the strength and pay of process-serving establishment.

Pending the action of the Government in the direction indicated, the High Court have not felt called upon to re-open any enquiry as to the adequacy of the existing charges.

50. The following Table shows the comparative number of coercive processes issued during the past six years.

Coercive processes in execution applications.

	Imprisonment of person.	Movable Property.		Immoveable property.	
		Attached.	Sold.	Attached.	Sold.
1873	24,723	22,421	6,932	23,367	13,926
1874	26,817	28,682	7,504	24,666	13,995
1875	20,851	25,111	6,201	22,794	13,661
1876	16,007	25,678	5,821	22,694	13,970
1877	12,099	20,967	4,609	20,577	12,003
1878	12,703	24,353	5,118	20,913	12,706

T. WEIR,

Acting Registrar,

Appellate Side.

HIGH COURT OF JUDICATURE,
MADRAS, 3rd *July* 1879.

B.—*JUDICIAL*

(1)—*(Civil and Criminal)—Statement showing the various Judicial Tribunals,*

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles	Average population of each Division	Number of Tribunals.	Constitution of Tribunals, stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment
1	2	3	4	5	6	7	8
1. Village Officers (exercising Civil and Criminal powers)	53,140	2¾	575	(a) 46,514	One Judge	12 hours' imprisonment or 6 hours' stocks in petty assaults, thefts, &c, final jurisdiction in Civil Suits the value of which does not exceed 10 Rs., or on agreement of the parties in Suits not exceeding Rs. 100.	Hereditary.
2. Taluq Magistrates (exercising Criminal powers)	155	892	1,98,860	155	One Judge	Powers of 2nd or 3rd Class Magistrate under the Code of Criminal Procedure.	Special Test Examination in the Evidence Act, Penal and Criminal Procedure Codes. Special Test in Revenue Acts, Circular Orders of the Board of Revenue, Taluq and Village Account System and Rules of the Stamp Department.
3. Other Local Magistrates.	331	417¾	90,100	331	do.		
4. Cantonment Judges (exercising the powers of a Small Cause Court and Criminal powers.)	7	...	..	7	do.	Powers of a Magistrate of 1st Class under the Code of Criminal Procedure and of a Justice of the Peace and Small Cause jurisdiction in Suits not exceeding Rs. 500	Special Test Examination in the Evidence Act, Penal and Criminal Procedure Codes, and in Special and Local Acts relating to jurisdiction.

(a) i. e., the number of Heads of Villages.
(b) i. e, the number who actually exercised jurisdiction in criminal matters.
(c) i. e., One-fifth of the cost of the Revenue Establishment is debited to Law and Justice.

STATEMENTS.

Original and Appellate, existing on the 31st December 1878.

Total Number of Judges.				Average Annual Salary of each Paid Judge.		Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	Number of Cases decided during the Year.				
European and East Indian.														
Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	European and East Indian.	Native.					Criminal.	Civil.	Revenue.	Criminal Appeal.	Civil Appeal.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	...	(b) 33,021	...	Grants in Land and fees in kind.	...	Revenue Executive.	...	...	18,616	45,216	...	...	...
...	...	10	145	2,200	2,200	(c) 900	Revenue Executive.	...	...	(d) 1,39,715	(e) 1,084	...	...	...
...	...	6	325	800	800	(c) 120								
...	7	...	...	8,400	...	1,392	None.	288	...	(d) 2,719	1,154	...	1	...

(d) Including Preliminary Enquiries into cases triable by the Sessions Courts.
(e) Civil work performed by the Sub-Magistrates of Anjengo, Vytheri and Gudalur, in the South Malabar District, by the Sub-Magistrate of the Pulney Hills and by the Sub-Magistrates under the Agencies of Ganjam and Vizagapatam.

B.—*JUDICIAL*

(1.)—*(Civil and Criminal)—Statement showing the various Judicial Tribunals,*

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
5. District Munsifs (exercising Civil powers.)	110	1,263¾	2,77,688	110	One Judge.	Original Suits up to Rs. 2,500 and Small Cause Suits up to Rupees 50. (Act III of 1873.)	Special Test Examination in the Evidence Act, Codes of Civil and Criminal Procedure, Law of Contracts and of Torts, Equity and the Hindu and Mahomedan Law.
6. Assistant and Deputy Collectors and Magistrates (exercising Criminal and Revenue powers) having no independent local jurisdiction.	* 51	...	...	51	do.	Powers of Magistrates of 1st, 2nd or 3rd Class.	Assistant Collectors and Magistrates, Covenanted Civil Service Examination, Deputy Collectors and Magistrates, Special Test Examination in Law and Revenue.—*Vide* Taluq Magistrates.
7. Assistant Agents and Commissioners (exercising Civil, Criminal and Revenue powers.)	3	4,692	...	3	do.	Powers of Magistrate of 1st Class and Justice of the Peace, Civil Jurisdiction in cases referred (Act XXIV of 1839 and Madras Act I of 1868.)	Covenanted Officers.
8. Divisional Officers (exercising Criminal and Revenue powers.)	* 54	2,561	5,70,804	54	do.	Powers of a Magistrate of 1st Class and Justice of the Peace—Powers of a Collector in Revenue Suits.	Covenanted and Uncovenanted Officers.

* These numbers are liable to constant fluctuation.

STATEMENTS.

Original and Appellate, existing on the 31st December 1878.—(Continued).

Total Number of Judges. European and East Indian. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	Average Annual Salary of each paid Judge. European and East Indian.	Native.	Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	Number of Cases decided during the year. Criminal.	Civil.	Revenue.	Criminal Appeal.	Civil Appeal.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	7	103	2,600	2,600	1,400	None.	252	15	...	1,36,127	...	...	..
22	...	5	24	4,800	4,800	...	Revenue Executive.	288	...	(g) 12,156	461	...	1,978	1
3	...	..	...	10,000	10,000	(f) 580	Revenue Executive.	288						
36	...	3	15	8,500	8,500									

(f) *i. e.*, One-fifth of the Revenue Establishment is debited to Law and Justice.
(g) *i. e.*, Including preliminary inquiries in cases triable by the Sessions Courts.

B.—*JUDICIAL*

(1.)—*(Civil and Criminal)—Statement showing the various Judicial Tribunals,*

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
9. Small Cause Courts (exercising also the powers of a Sub-Judge).	3	5,531	15,77,302	3	One Judge.	Small Causes not exceeding in value Rs. 500. Original Suits exceeding Rs. 2,500 Appellate jurisdiction in appeals referred for disposal.	Covenanted Officers and Uncovenanted. No special qualification for the latter.
10. Subordinate Judges (exercising also the powers of Small Cause Courts).	13	4,591	12,98,095	13	Do.	Original Suits exceeding Rs. 2,500. Appellate jurisdiction in appeals referred.	Special Test Examination in Law.—*Vide* District Munsifs.
11. District Collectors and Magistrates (exercising Criminal and Revenue powers).	17	6,160	15,05,257	17	Do.	Powers of District Magistrate and Justice of the Peace, Judicial powers under Special Revenue Acts, Regulations XII of 1816, IX of 1822, VI of 1831 and Madras Act VIII of 1865.	Covenanted Officers.
12. Agents and Commissioner (exercising Civil, Criminal and Revenue powers).	3	9,135	12,42,929	3	One Judge with Assessors in Criminal cases.	Powers of a Collector in Revenue matters. Powers of a District and Sessions Judge.	Covenanted Officers.
13. District and Sessions Courts (exercising Civil and Criminal powers).	21	6,272	13,97,888	21	Do. Also in six Districts with Juries in certain cases.	Civil suits exceeding Rs. 2,500. Appellate jurisdiction from decrees of District Munsifs and Subordinate Judges where the value is less than Rs. 5,000.	Covenanted Officers.
Total...	768	...	...	768			

STATEMENTS.

Original and Appellate, existing on the 31st December 1878.—(Continued.)

Total Number of Judges.				Average Annual Salary of each paid Judge.		Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	Number of Cases decided during the Year.				
European and East Indian.														
Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	European and East Indian.	Native.					Criminal.	Civil.	Revenue.	Criminal Appeal.	Civil Appeal.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
2	...	1	...	15,000	...	5,000	None.	236	10	...	4,432	...	...	375
...	...	2	11	6,000	6,000	6,402	Do	236	11	(i) 224	8,056	...	(i) 2	2,368
17	...	...	...	28,000	...	...	Chief Executive Officer of the District.	288	...	549	...	(j) 5,520	352	...
3	...	...	...	28,000	...	(h) 4,687			...	42	6	...	7	17
21	...	...	...	28,000	...	7,721	None.	236	28	2,223	203	...	484	3,897
104	7	34	623							1,76,244	1,96,739	5,520	2,824	6,658

(h) *i. e,* One-fifth of the Revenue Establishment is debited to Law and Justice.
(i) The Sub-Judge of Cochin exercises the powers of a Magistrate.
(j) This includes Revenue Suits decided by Divisional Officers.

B.—*JUDICIAL*

(1.)—*(Civil and Criminal)—Statement showing the various Judicial Tribunals,*

Class of Tribunal, distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments.	Number of Judicial Divisions.	Average area of each Division in square miles.	Average population of each Division.	Number of Tribunals.	Constitution of Tribunals stating number of Judges in each, and Jury or Assessors, if any.	Judicial powers of each Tribunal, Original and Appellate.	Prescribed qualification of Judges previous to appointment.
1	2	3	4	5	6	7	8
16. High Court. (Original Side.)	...	27	3,97,552	...	Division Court of one Judge.	Ordinary original jurisdiction in all matters within the Presidency Town.	According to Letters Patent.
16. High Court. (Appellate Side.)	...	...	...	...	...	Appeals from Division Courts (High Court.) Appellate jurisdiction from decrees and sentences and orders of District and Sessions Courts and Sub-Judges' Courts. Appellate jurisdiction from decrees, &c., and orders of Lower Appellate Courts. General powers of revision.	
16. High Court. (Appellate Side.)	...	1,38,291	3,08,23,421	...	Division Court of two Judges.		

STATEMENTS.

Original and Appellate, existing on the 31st December 1878.—(Concluded).

Total Number of Judges.				Average Annual Salary of each paid Judge.		Average annual cost of Establishment of each Tribunal.	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to Judicial work.	Average number of Advocates or Pleaders attached to each Tribunal.	Number of Cases decided during the Year.				
European and East Indian.														
Covenanted.	Commissioned Military Officers	Uncovenanted.	Native.	European and East Indian.	Native.					Criminal.	Civil.	Revenue.	Criminal Appeal.	Civil Appeal.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	...		...	...	75,000	...	...	...	101	537 Insolvent Petitions. 140	...	...	...
									98	...	...	...	...	...
2	...	2	1	48,000	...	(k) 84,000	None.	243	...	...	...	...	673	(l) 851

(k). Not including the pay of menial servants.
(l). Of these 76 are Miscellaneous Appeals.

B.—*JUDICIAL STATEMENTS.*

(6.)—*(Civil)—Statement showing the number and nature of Civil Suits instituted in the several classes of Courts in the year* 1878.

NATURE OF CLAIMS.	NUMBER OF CASES IN DIFFERENT COURTS.												Ordinary Suits.
	Ordinary Suits.							Small Causes.					
	Village Munsifs.	Revenue Courts.	District Munsifs, Assistant Agents and Assistant Commissioner.	Subordinate Judges.	Judges of S. C. Courts as Subordinate Judges.	Dist. Judges, Agents and Judicial Commissioner.	Total.	District Munsifs, Assistant Agents and Asst. Commissioner.	Subordinate Judges.	Judges of Small Cause Courts.	Dist. Judges, Agents and Judicial Commissioner.	Total.	High Court.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Civil Court Cases.													
Money due on contract — On written promise for sum certain	5,470	...	24,956	250	9	53	30,738	40,611	4,497	3,820	...	48,928	172
Money due on contract — On unwritten promise for sum certain	25,783	...	2,139	8	...	..	27,930	15,203	937	554	...	16,694	2
Money due on contract — On account stated	5,904	...	1,469	30	1	4	7,408	7,030	547	382	...	7,959	19
Money due on contract — Money paid or received	1,678	...	344	2	...	...	2,024	1,437	196	143	...	1,776	19
Money due on contract — For goods sold and delivered	3,216	...	359	7	...	...	3,582	2,053	284	333	...	2,670	51
Rent	521	...	1,927	11	2	...	2,461	5,105	523	315	...	5,943	1
Recovery of personal property, or value thereof	1,560	...	863	13	1	3	2,440	2,348	197	55	...	2,600	11
Damages — For injuries to person	...	...	24	...	1	...	25	16	...	...	...	16	...
Damages — For injuries to property	...	...	211	2	...	2	215	144	52	46	...	242	...
Damages — For defamation	...	..	73	2	1	3	79	2	...	...	...	2	3
Damages — For other injuries not included in the above	...	...	106	5	1	1	113	73	24	5	...	102	7
Damages — For breaches of contract, not included in the above ...	16	...	270	11	2	5	304	152	41	19	...	212	9
Suits to compel specific performance of contracts	96	...	384	8	...	5	493	153	1	...	...	154	3
Suits to set aside contracts and obligations on account of fraud, mistake or accident..	...	...	104	11	...	3	118	2	...	...	...	2	2
Suits to compel or prevent particular acts by way of mandamus or injunction. ...	...	...	148	2	...	2	152	...	...	...	...	...	2

Suits to settle partnership and other accounts	...	...	49	7	...	15	71	...	...	...	...	...	18
Admiralty and other suits relating to shipping	...	...	1	3	...	...	4	...	...	...	...	...	1
Suits connected with religion and caste	...	...	14	...	...	...	14	...	...	...	...	...	...
Suits relating to administration of trusts and religious endowments ...	...	...	14	7	3	4	28	...	...	...	...	...	11
Suits relating to marriage, dower, and divorce	...	...	145	2	1	6	154	17	13	1	...	31	5
Suits to establish or dispute adoption	...	...	32	...	1	1	34	1	...	...	...	1	...
Suits regarding custody and guardianship of infants and lunatics ...	...	...	7	1	...	...	8	...	1	...	..	1	1
Other suits to declare or establish personal rights	...	...	435	12	3	5	455	...	...	...	...	...	...
Suits to establish or contest Wills	...	...	32	5	1	...	38	...	...	...	...	...	6
Claims to inheritance { Under Hindu Law	...	...	740	16	3	21	780	5	...	...	...	5	2
Claims to inheritance { „ Mahomedan Law	...	...	141	3	...	5	149	1	...	...	...	1	1
Claims to inheritance { „ any other Law	...	...	21	...	...	...	21	...	...	...	..	...	...
Suits to establish or contest the acts of Hindu widows	...	...	61	1	1	1	64	...	...	...	...	...	...
Suits relating to the revenue	28	...	204	...	...	1	233	673	27	..	...	700	..
Suits relating to mortgage of immoveable property	...	...	16,691	52	3	18	16,764	56	...	.	...	56	94
Claims in right of pre-emption	...	...	18	...	...	...	18	...	...	...	...	...	...
Suits to resume or assess rent-free lands	...	...	21	...	...	2	23	...	...	...	...	...	...
Suits regarding the relative rights of superior and inferior holders of land (other than Rent Suits)	...	...	689	2	...	13	704	...	...	...	...	...	...
Suits for partition of immoveable property	...	...	810	27	11	3	851	...	...	...	...	...	25
Suits regarding boundaries	...	...	73	...	...	4	77	...	...	...	...	...	..
Suits for, or relating to, real property, not included in the above ...	...	...	11,377	139	2	19	11,537	...	...	...	...	...	51
Revenue Court Cases.													
Claims connected with boundary and cultivation disputes (Regulation XII of 1816, Section 4)	...	...	...	...	...	...	...	...	...	...	...	...	...
Claims to hereditary office or their emoluments (Regulation VI of 1831, Section 3)	...	503	...	...	...	...	503	...	...	...	...	...	...
Suits to establish or contest right to enhancement or abatement of rent, or to determine amount of rent (Madras Act VIII of 1865, Sections 8, 9, 10, and 11)	...	2,343	...	...	...	...	2,343	...	...	...	...	...	...
Suits relating to ejectment (Section 12)	...	145	...	...	...	...	145	...	...	...	...	...	...
Suits regarding illegal exaction, distraint, &c, (Sections 5, 17, 20, 35, 36, 49, and 80)	...	1,410	...	...	...	...	1,410	...	...	...	...	...	...
Total ...	44,272	4,401	64,952	639	47	199	1,14,510	75,082	7,340	5,673	...	88,095	516

B.—JUDICIAL STATEMENTS.

(7.)—(Civil)—*Statement showing the value of Suits disposed of in the Civil and Revenue Courts in the year 1878.*

VALUE.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.														
	ORDINARY SUITS.								SMALL CAUSES.						ORDINARY SUITS.
	Village Munsifs.	Revenue Courts.	District Munsifs, Assistant Agents and Assistant Commissioner.	Subordinate Judges.	Judges of Small Cause Courts as Subordinate Judges.	District Judges, Agents and Judicial Commissioner.	Total number of Suits.	Total value in Rupees.	District Munsifs, Assistant Agents and Assistant Commissioner.	Subordinate Judges.	Judges of Small Cause Courts.	District Judges, Agents and Judicial Commissioner.	Total number of Small Cause.	Total value in Rupees.	High Court.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Not exceeding Rupees 5 ...	23,325	625	618	8		...	24,576	77,534	3,831	28	99	...	3,958	1,900	...
" " 20 ...	21,421	1,248	4,583	26	...	3	27,281	2,52,469	28,964	200	425	...	29,589	4,12,907	...
" " 100 ...	464	2,079	30,975	65	...	11	33,594	19,20,346	40,230	3,271	2,409	...	45,910	17,82,221	...
" " 500	5	854	23,423	84	2	14	24,382	48,09,492	83	3,830	2,589	...	6,502	13,40,276	47
" " 1,000 ...	...	121	3,173	48	3	7	3,352	22,99,801	...	...	...	...	...	...	57
" " 2,500 ...	1	11	1,500	59	1	9	1,581	24,12,177	...	...	...	...	...	...	179
" " 5,000 ...	...	19	1	259	32	71	382	12,21,638	...	...	...	...	...	...	87
" " 10,000 ..	...	1		99	18	46	164	13,86,395	...	...	...	...	..	...	42
" " 1,00,000 ...				68	7	29	104	23,31,542	..	..	...	...	...	...	35
Exceeding " 1,00,000 ...	...			2	1	4	7	36,19,350	...	...	...	..	..	...	3
Suits of which it is not possible to estimate the money value .	..	562	291	9	...	15	877	1,170	...	...	...	...	..	...	87
Total ...	45,216	5,520	64,564	727	64	209	1,16,300	2,03,31,914	73,108	7,329	5,522	...	85,959	35,50,304	537

B.—JUDICIAL STATEMENTS.

(8.)—*(Civil)—Statement showing the general result of the trial of Civil and Revenue Suits in the Courts of Original Jurisdiction in the year 1878.*

CLASS OF COURTS.	Suits remaining on the 1st January 1878.	Filed in 1878, (including Suits remanded and re-admitted.)	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Uncontested. Dismissed for default.	Uncontested. Withdrawn with leave.	Uncontested. Compromised.	Uncontested. Decreed on confession	Uncontested. Decreed ex-parte. For plaintiff.	Uncontested. Decreed ex-parte. For defendant.	Contested. Judgment for plaintiff in whole or part.	Contested. Judgment for defendant.	Total disposed of.	Pending at the end of 1878.	Pending. Over two months.	Pending. Over four months.	Pending. Over twelve months.	Average duration of Suits in days. Contested.	Average duration of Suits in days. Uncontested.	Referred to arbitration.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Village Munsifs	8,131*	44,332	4	52,467	...	10	6,747	1,082	9,492	8,087	9,924	343	8,503	1,038	45,216	7,251	2,076	1,943	574	91	73	4
Revenue Courts	2,344†	4,388	519	7,251	520	88	577	883	153	63	542	119	1,639	1,544	5,520	1,211	353	451	115	118	130	3
District Munsifs, Asst. Agents and Assistant Commissioner. Ordinary ...	18,652	66,125	787	85,564	1,074	105	2,049	1,321	14,840	4,247	15,980	1,416	18,129	6,582	64,564	19,926	5,480	4,321	372	251	137	306
District Munsifs, Asst. Agents and Assistant Commissioner. Small Causes...	4,674	75,673	60	80,407	56	47	3,916	1,671	18,500	6,899	20,575	2,350	14,819	4,378	73,108	7,243	774	89	3	71	58	36
Subordinate Judges ... Ordinary ...	259	659	115	1,033	12	1	34	19	102	56	116	1	280	119	727	294	72	91	10	220	86	6
Subordinate Judges ... Small Causes...	796	7,398	255	8,449	24	36	272	39	1,818	551	2,122	4	1,859	664	7,329	1,096	164	21	1	47	36	34
Small Cause Court Judges As Subordinate Judges.	38	52	4	94	...	...	1	1	11	4	5	...	30	12	64	30	5	17	3	226	145	5
Small Cause Court Judges Small Causes.	574	5,707	22	6,303	90	...	261	245	853	526	1,511	36	1,707	383	5,522	691	108	47	2	45	33	34
District Judges, Agents and Judicial Commissioner. Ordinary.	162	207	79	448	70	7	5	11	46	6	21	1	76	43	209	169	36	58	42	276	212	4
District Judges, Agents and Judicial Commissioner. Small Causes.	...	..	...	.	...	...	...	...	...	..	...	...	...	...	..	...	...		...	...	...	..
Total ...	35,630	2,04,541	1,845	2,42,016	1,846	294	13,862	5,272	45,815	20,439	50,796	4,270	47,042	14,763	2,02,259	37,911	9,074	7,038	1,122	...	...	432
High Court (Original Side.)	648	516	...	1,164	...	...	98	104	6	38	126	1	108	56	537	627	88	58	481	...	...	

N. B.—2,0-2 Village Munsifs have exercised Civil Jurisdiction.

* This differs from the number entered in Column No. 17 of the corresponding Statement for 1877. The figures in Column No. 2 of the Statements returned for 1878 show a deficit of 1,707 Suits. Of these 1 623 Suits are stated to have been expunged as old standing; as regards 56, it is remarked that some Village Munsifs have furnished no returns; and as regards the remaining 26 the explanation called for has not been received as yet.

† The figures entered in Column No. 17 of the Statement for 1877 showed two Suits in excess over the actual number pending at the end of that year.

B.—*JUDICIAL STATEMENTS.*

(9.)—*(Civil)—Statement showing the business of the Appellate Courts in the year* 1878.

CLASS OF COURTS.	Appeals remaining on the 1st January 1878.	Instituted in 1878 (including Appeals remanded and re-admitted.)	Received by transfer.	Total for disposal.	Transferred.	Uncontested. Dismissed for default or under Sections 97 & 557 of the Civil Procedure Code.	Uncontested. Withdrawn, compromised, or decreed on confession.	Uncontested. Confirmed.	Uncontested. Modified.	Uncontested. Reversed.	Contested. Confirmed.	Contested. Modified.	Contested. Reversed.	Total disposed of.	Pending at the end of 1878.	Pending. Over four months.	Pending. Over twelve months.	Remanded.	Objections under Section 561 of the Civil Procedure Code.	Objections allowed.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Subordinate Judges	811	533	1,877	3,221	61	59	77	16	1	14	1,324	299	579	2,369	791	269	24	121	57	19
Judges of Small Cause Courts as Subordinate Judges	129	40	245	414	22	28	12	2	2	3	205	26	97	375	17	16	1	23	4	1
District Judges, Agents and Judicial Commissioner ... ... — Revenue.	315	468	11	794	10	127	78	6	2	10	243	19	122	607	177	76	14	60	1	...
District Judges, Agents and Judicial Commissioner ... ... — Civil ...	2,217	5,286	104	7,607	2,145	117	109	78	9	59	1,936	353	646	3,307	2,155	772	125	165	74	26
Total ..	3,472	6,327	2,237	12,036	2,238	331	276	102	14	86	3,708	697	1,444	6,658	3,140	1,133	164	369	136	46
High Court. — Appeals	46	110	....	156	...	.	1	2		..	62	9	16	90	66	30	12	12	10	2
High Court. — Second Appeals	175	706	...	881	...	12	2	211	4	9	314	14	97	663	218	36	22	69	33	9
High Court. — Civil Miscellaneours Appeals..	27	83	...	110	...	...	...	5	0	5	50	2	14	76	34	2	3	...	...	...
High Court. — Appeals from Original Side...	9	27	...	36	.	1	1	..	...	...	22	...	1	25	11	4	...	...	1	...

Statement showing the number of Suits, Original and Appeal, pending, classified according to the years in which they were instituted.

COURTS		Years in which instituted. Previous to or in 1873		In 1874.		In 1875.		In 1876.		In 1877.		In 1878.		Total.	
		Original.	Appeal	Original.	Appeal.	Original.	Appeal	Original.	Appeal.	Original.	Appeal	Original.	Appeal.	Original.	Appeal.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
District Munsifs, Assistant Agents & Assistant Commissioner ...	Ordinary. ..	1	...	4	.	9	...	46	...	364	...	19,502	...	19,926	...
	Small Causes. ...	...	...	..	..	...	..	...	...	...	..	7,243	...	7,243	...
Subordinate Judges ...	Ordinary. ...		..	...	...	1	...	2	1	10	135	281	655	294	791
	Small Causes.	...	..	...	...	...	.	1	...	...	...	1,095	.	1,096	...
Judges of Small Cause Courts.	As Subordinate Judges.		...	...	...	...	...	...		3	2	27	15	30	17
	Small Causes.	...		...	...		.	.	...	2	..	689	.	691	..
District Judges, Agents and Judicial Commissioner..	Ordinary.	1	...	2	2	3	2	11	4	27	172	125	2,152	169	2,332
	Small Causes	..	.	..	...	...	..	..	...	...		.	...	..	...
Total .		2	..	6	2	13	2	60	5	406	309	28,962	2,822	29,449	3,140
High Court ...		133	.	60	...	68	2	64	1	78	12	224	314	627	329

B.—JUDICIAL STATEMENTS.

(10).—*(Civil)—Statement showing the execution of Decrees in the Civil and Revenue Courts in the year* 1878.

CLASS OF COURTS.		Application to execute Decrees.				Decrees.		Pending at the end of 1878.	Nature and number of Coercive Processes issued.					Orders under Section 305 of the Civil Procedure Code.
		Pending on the 1st January 1878.	Filed in 1878.	Received by transfer.	Total for disposal.	Completely executed.	Partially executed.		Imprisonment of person.	Moveable property.		Immoveable property.		
										Attached.	Sold.	Attached.	Sold.	
1		2	3	4	5	6	7	8	9	10	11	12	13	14
District Munsifs, Assistant Agents & Assistant Commissioner.	Ordinary	11,340	61,376	1,422	74,138	47,419	15,217	15,398	5,945	9,433	2,080	19,423	11,761	436
	Small Causes.	4,579	43,334	149	48,112	36,206	6,877	5,462	4,286	13,017	2,362	914	576	32
Subordinate Judges	Ordinary	349	1,010	36	1,395	931	255	400	158	98	33	299	180	17
	Small Causes	510	4,653	54	5,217	4,378	452	607	1,819	966	320	..	...	...
Judges of Small Cause Courts.	As Subordinate Judges	22	121	13	156	133	10	19	.	13	5	34	15	.
	Small Causes	287	4,165	32	4,484	3,947	431	347	384	587	269	...	...	...
District Judges, Agents and Judicial Commissioner.	Ordinary	210	669	32	911	553	190	276	110	229	40	243	172	10
	Small Causes	..	2	...	2	1	1	1		1	...	...	...	...
Revenue Courts		41	627	1	669	547	9	113	1	9	9	.	2	. .
	Total... ...	17,338	1,16,007	1,739	1,35,084	94,115	23,442	22,623	12,703	24,353	5,118	20,913	12,706	495

B.—*JUDICIAL STATEMENTS.*

(II).—*(Criminal)—Statement showing the use of Juries and Assessors in the Criminal Courts in the year* 1878.

COURTS.	Established or average number of Juries or Assessors in any one trial	Remaining and Committed for trial.		Number of persons in Jury trials.					Number of persons in Assessors' trials.					Pending	
		Cases.	Persons.	Discharged without trial or convicted on plea of guilty.	After trial. Convicted.	After trial. Acquitted	Cases in which records were submitted to the High Court under Section 263 of the Criminal Procedure Code with the results. Verdict sustained	Verdict set aside.	Discharged without trial or convicted on plea of guilty	After trial. Convicted or acquitted, the Judge agreeing with the Assessors.	Convicted or acquitted, the Judge differing from the Assessors	Convicted or acquitted, the Judge agreeing with one Assessor only.	Total of Columns 5 to 12.	Cases.	Persons.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Session Courts. Assessors ...	2	2,295	6,175	50	312	429	2	...	800	3,673	624	220	6,110	30	65
Jury...	5														
High Court (Jury)	9	101	137	13	94	30	.	.	...	.	.	...	...	...	.

Statement showing the result of Appeals in Criminal Cases in the year 1878.

COURTS.	Number of Persons.										Pending.	
	Appeals remaining on the 1st January 1878.	Filed in 1878.	Total for disposal.	Appeals rejected under Section 278.	After perusal of records. Sentences confirmed.	Sentences modified.	Sentences reversed.	Otherwise disposed of, by transfer, death, &c	Total of Columns 5 to 9.	Further enquiry or evidence ordered.	...es.	Persons.
1	2	3	4	5	6	7	8	9	10	11	12	13
Divisional Magistrates	243	4,479	4,722	531	1,986	346	1,444	97	4,404	95	110	318
District Magistrates	56	750	806	91	320	21	185	113	730	22	30	76
Session Courts	57	672	729	223	209	77	168	6	683	1	24	46
Total .	356	5,901	6,257	845	2,515	444	1,797	216	5,817	118	164	440
High Court, (Appellate Side)...	85	1,365	1,450	961	257	59	53	...	1,330	5	64	120
Do. (as a Court of Reference,)	6	108	114	.	68	22	12	3	105	3	7	9
Do. (as a Court of Revision,)		..	...	...	84	98	172	...	354	...	...	...